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| USDC SDNY<br>DOCUMENT<br>ELECTRONICALLY FILED<br>DOC #:<br>DATE FILED: 2/12/2021 |
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                      |   |                  |
|--------------------------------------|---|------------------|
| -----X                               |   |                  |
| CHRISTIAN CASTILLO,                  | : |                  |
|                                      | : |                  |
| Plaintiff,                           | : |                  |
|                                      | : |                  |
| -against-                            | : | 20-cv-2085 (VEC) |
|                                      | : |                  |
| SKANSKA INC., SKANSKA USA INC.,      | : | <u>ORDER</u>     |
| SKANSKA MOYNIHAN TRAIN BUILDERS A    | : |                  |
| JOINT VENTURE, AMTRAK A/K/A          | : |                  |
| NATIONAL RAILROAD PASSENGER          | : |                  |
| CORPORATION D/B/A AMTRAK, EMPIRE     | : |                  |
| STATE DEVELOPMENT CORPORATION,       | : |                  |
| RELATED CONSTRUCTION LLC, VORNADO    | : |                  |
| REALTY TRUST, MOYIHAN TRAIN HALL     | : |                  |
| DEVELOPER LLC, NEW YORK AND NEW      | : |                  |
| JERSEY PORT AUTHORITY, METROPOLITAN: | : |                  |
| TRANSPORTATION AUTHORITY,            | : |                  |
| METROPOLITAN TRANSPORTATION          | : |                  |
| AUTHORITY CONSTRUCTION COMPANY,      | : |                  |
| CITY OF NEW YORK, NEW YORK CITY      | : |                  |
| DEPARTMENT OF TRANSPORTATION, NEW    | : |                  |
| YORK CITY DEPARTMENT OF DESIGN AND   | : |                  |
| CONSTRUCTION, NEW YORK CITY TRANSIT: | : |                  |
| AUTHORITY, AND MUNOZ ENGINEERING &   | : |                  |
| LAND SURVEYING, D.P.C.,              | : |                  |
| Defendants.                          | : |                  |
| -----X                               |   |                  |

VALERIE CAPRONI, United States District Judge:

WHEREAS on multiple occasions, the parties have indicated to the Court that Defendant Amtrak may not be a proper party to this case because Amtrak may not have any ownership or other interest in the premises on which Plaintiff's injury occurred;

WHEREAS on December 22, 2020, the parties filed a joint letter stating that they intended to resolve Amtrak's involvement in this matter by means of a Rule 36 request for admission (Dkt. 57);

WHEREAS on December 23, 2020, the Court granted the parties' request and ordered Plaintiff to serve a Rule 36 request for admission on Amtrak not later than January 8, 2021, and ordered Amtrak to respond within 30 days or otherwise have the matter deemed admitted (Dkt. 58);

WHEREAS on January 12, 2021, Plaintiff filed the Rule 36 request on the docket and confirmed via an email to Chambers that he had served the request on Amtrak on January 8, 2021 (Dkt. 59);

WHEREAS per the request, Plaintiff seeks an admission that, on October 16, 2019, Amtrak owned only the track bed and train shed below the premises known as Moynihan Train Hall and that Amtrak did not own Moynihan Trail Hall; and

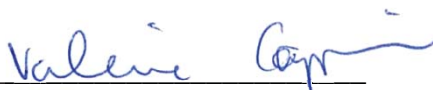
WHEREAS as of the date of this Order, Amtrak has not filed any response on the docket, such that the Court may properly deem the matters in Plaintiff's Rule 36 request admitted;

IT IS HEREBY ORDERED that not later than **February 26, 2021**, Plaintiff must show cause why this Court should not dismiss Amtrak as a defendant in this case. Plaintiff must also show cause why, if the Court dismisses Amtrak, the Court should not remand this matter to New York State court for lack of jurisdiction.

IT IS FURTHER ORDERED that Defendants may respond to Plaintiff's submission not later than **March 5, 2021**.

**SO ORDERED.**

**Date: February 12, 2021**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**